

REMARKS

Claims 1, 4, 7, 10, 13, 16, 19, and 21 have been amended in the application. Claims 2, 3, 5, 6, 8, 9, 11, 12, 15, 18, 20, and 22 are canceled without any prejudice or disclaimer to the subject matter expressed therein. Claims 1, 4, 7, 10, 13, 14, 16, 17, 19, and 21 are presented for reconsideration and further examination in view of the following remarks.

In the outstanding Office Action claims 1-22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 09/903,573; and claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

By this Amendment claims 1, 4, 7, 10, 13, 16, 19, and 21 are amended to overcome the rejections under 35 U.S.C. § 112, second paragraph; a Terminal Disclaimer will be filed in the application which is second to receive a Notice of Allowance to overcome the non-statutory double patenting rejection; and claims 2, 3, 5, 6, 8, 9, 11, 12, 15, 18, 20, and 22 are canceled rendering their rejections moot.

It is further respectfully submitted that the within amendments introduce no new matter within the meaning of 35 U.S.C. §132.

NONSTATUTORY DOUBLE PATENTING REJECTION

The Examiner provisionally rejected claims 1-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 09/903,573.

In response, Applicants will respectfully submit a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the rejection based on non-statutory double patenting if co-pending Application No. 09/903,573 is the first application of the two to receive a Notice of Allowance. Applicants further submit that U.S. Patent Application No. 09/903,573 is commonly owned with this application.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, 2ND PARAGRAPH

The Examiner rejected claims 1-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner found that “the second memory means” in claim 1, lines 19-20 lacked clear antecedent basis. Claims 2 and 3 were found to recite a function without reciting the structure that is necessary to perform the function. The IDFT in claim 2 was found to be inconsistent with the DFT in claim 1. Claims 4-22 were found to contain deficiencies similar to claims 1-3.

RESPONSE

In response, claims 1, 4, 7, 10, 13, 16, 19, and 21 have been amended to recite --a third step...a second memory means-- to correct any perceived antecedent basis issues. Claims 2, 3, 5, 6, 8, 9, 11, 12, 15, 18, 20, and 22 have been canceled rendering their rejections moot.

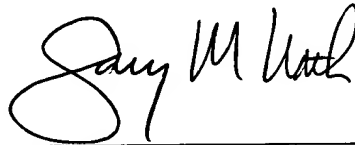
As all of the claims now comply with 35 U.S.C. § 112, 2nd paragraph, Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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